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In re Application of:
John Spencer Cunningham, et al.
Application Serial No.: 09/460,197
Filed: December 13, 1999
For: **MULTIPLE AND HYBRID GRAPHICS
DISPLAY TYPES**

This is a decision on the petition to compel, which is treated as a petition pursuant to 37 C.F.R. §1.181, filed September 20, 2005. No fee is required.

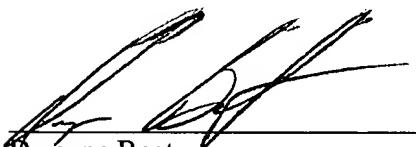
Petitioner requests that the examiner be compelled to respond to applicants request for reinstatement of appeal and response brief filed on March 8, 2005.

A review of the application reveals that the examiner reopened prosecution in response to an appeal brief initially filed on October 23, 2003. A non-final Office action was mailed on January 15, 2004. Appellants requested re-instatement of the appeal and an appeal brief was filed on April 13, 2004. The examiner again reopened prosecution for a new grounds of rejection on December 16, 2004. On March 8, 2005, appellants have again filed a request for reinstatement of appeal and submitted a new appeal brief.

A review of the Office's docketing and imaging systems reveals that the new appeal brief has not been entered into the docketing system, nor has the examiner been messaged regarding the new request and appeal brief.

Accordingly, the petition is **Granted**.

The application file will be forwarded to the Technology Center's technical support staff for entry of the appeal brief. From there, the application file will be forwarded to the examiner for review of appellants' brief and convening of an appeal conference.


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